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Public Hearing to consider a Minor Use Permit application, MU-21-08 (Smith), a proposal for a 3,200 sq. ft. residential accessory structure (outdoor pavilion with an associated kitchen), located at 4211 Green Valley Road, 1 mile northwest of the City of Fairfield in the Rural Residential (RR-2.5) zoning district, APN 0148-100-040.

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Published Notice Required? Yes  X  No  \_\_\_

Public Hearing Required? Yes  X  No  \_\_\_

**DEPARTMENTAL RECOMMENDATION:**

The Department of Resource Management recommends that the Planning Commission **ADOPT** the attached draft resolution approving Minor Use Permit No. MU-21-08, subject to the recommended conditions of approval.

**SUMMARY:**

This is an application for a 3,200 square foot residential accessory structure. The applicant's zoning district (RR-2.5) requires a Minor Use Permit when a residential accessory structure is either greater than 2,500 square feet, or if the aggregate total of all residential accessory structures on a single property is greater than 2,500 square feet. The applicant's property already has a detached RV garage under construction that is 2,500 square feet, thus requiring this structure to get a Minor Use Permit. Staff is recommending approval subject to the recommend conditions of approval.

**ENVIRONMENTAL ANALYSIS:**

The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

**PROPERTY INFORMATION:**

**A. Applicant/Owner:**

Ronald Smith  
2415 Finchwood Landing Lane  
Manteca, CA 95336

**B. General Plan Land Use Designation/Zoning:**

General Plan: Agricultural  
Zoning: Rural Residential (RR-2.5)

**C. Existing Use:** Residential property under construction

**D. Adjacent Zoning and Uses:**

North: Residential Traditional Community (RTC-15) – Residential  
South: Exclusive Agriculture "A-40" – Residential  
East: Residential Traditional Community (RTC-15) – Residential  
West: Residential Traditional Community (RTC-15) – Residential

## **BACKGROUND:**

The existing development on this parcel consists of an approximately 10,600 square foot residence currently under construction, permitted via Building Permit B2021-0076, and a 2,500 square foot detached RV garage, also currently under construction via Building Permit B2021-0077.

Based on the size of the proposed development, additional Planning Division review is necessary; the Rural Residential (RR-2.5) zoning district requires a Minor Use Permit when either:

1. Any one residential accessory building is greater than 2,500 square feet, or
2. When the aggregate square footage for all accessory buildings exceeds 2,500 for an RR zoned lot 4 acres in size or less (Solano Zoning Code 28.31A).

Since this property is 2.7 acres, and the RV garage uses up the allowed 2,500 aggregate square footage, the proposed 3,200 square foot outdoor pavilion requires a Minor Use Permit.

## **PROJECT DESCRIPTION**

The applicant has applied for a Minor Use permit to construct a 3,200 square foot residential accessory building for large family gatherings. The building is proposed to be an outdoor open-air pavilion with attached kitchen (See **Attachments B, C & D**). A proposed walkway will connect the pavilion to the residence and to the RV garage, which will have an attached restroom. The site plan submitted on July 15, 2021 identifies where the pavilion will be situated on the property, which is outside the minimum setback requirements for the RR zone.

No other changes to the site or land use are proposed.

## **NEIGHBORHOOD COMPATIBILITY**

The subject property consists of 2.70 acres of land, with access to Green Valley Road through an access easement, located in unincorporated Solano County. The surrounding parcels are developed with residential land uses, many with detached accessory buildings. The applicant's property is one of the largest in the area, with adjacent properties to the north and west mostly consisting of less than 1/2 acre. The two residential properties to the east are approximately the same size as the applicants, and the parcel directly adjacent to the south is the largest in size, with approximately 10 acres.

Aerial photography of the smaller residential lots (See **Attachment E**) shows that most do not appear to have detached accessory buildings. However, the same aerial identifies large detached buildings on the three larger lots. The property to the east has a large detached building approximately 15-20 feet from their western property line, and the applicant is proposing to place his structure 23.6 feet from this adjoined property line.

## **LAND USE CONSISTENCY**

The parcel is designated Traditional Community – Residential (TRC) by the Solano County General Plan Land Use Diagram. The TRC designation is intended to preserve and enhance existing residential neighborhoods, with the expectation of infill residential development. As indicated on the General Plan land use consistency table (General Plan Table LU-7) the Rural Residential (RR-2.5) Zoning District is consistent with this designation, provided that the development is consistent with the “goals, policies and programs of the General Plan.”

Land Use Goal 1 (LU.G-1) of the General Plan is to preserve and protect current development patterns, and Land Use Goal 2 encourages development patterns that maintain existing communities. Both goals

are actively implemented through the proposed land use; a residential lot being developed in a residential manner. The size of the parcel is consistent with surrounding properties, and the current development pattern of the neighborhood is maintained. There is adequate vegetative screening to provide noise buffering and visual protection from the adjacent parcels and the applicant has agreed to mitigation measures designed to protect the neighborhood's quality and character.

### **ENVIRONMENTAL ANALYSIS**

The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

### **RECOMMENDATION**

Staff recommends that the Planning Commission **ADOPT** the mandatory and suggested findings and **APPROVE** Use Permit No. MU-21-08 subject to the recommended conditions of approval

### **MINOR USE PERMIT MANDATORY FINDINGS**

- 1. That the establishment, maintenance or operation of the use or building is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator to be pertinent.**

This project is located within an area designated Traditional Community – Residential (TRC) by the Solano County General Plan Land Use Diagram. The proposed use is a conditionally permitted use within the Rural Residential (RR-2.5) zoning district. The Zoning of the property along with the existing use and proposed modifications is consistent with the General Plan.

- 2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

The site is provided with water by the City of Vallejo and sewer service by an on-site sewage disposal system. Access is proposed via an access easement off Green Valley Road.

- 3. The subject use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

As conditioned, the proposed Residential Accessory Structure use will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

### **ADDITIONAL FINDINGS**

- 4. The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.**

## **CONDITIONS OF APPROVAL**

Please refer to Attachment A: Draft Resolution for the Conditions of Approval

### **Attachments**

- A – Draft Resolution
- B – Site Plan
- C – Renderings
- D – Elevations
- E – Neighborhood Aerial

## **SOLANO COUNTY PLANNING COMMISSION RESOLUTION NO. xxxx**

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**WHEREAS**, the Solano County Planning Commission has considered Minor Use Permit application MU-21-08, a proposal for a 3,200 sq. ft. residential accessory structure (outdoor pavilion with an associated kitchen), located at 4211 Green Valley Road, 1 mile northwest of the City of Fairfield in the Rural Residential (RR-2.5) zoning district, APN 0148-100-040; and

**WHEREAS**, said Planning Commission has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on October 21, 2021; and

**WHEREAS**, after due consideration, the Planning Commission has made the following findings in regard to said proposal:

- 1. That the establishment, maintenance or operation of the use or building is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Planning Commission to be pertinent.**

This project is located within an area designated Traditional Community – Residential (TRC) by the Solano County General Plan Land Use Diagram. The proposed use is a conditionally permitted use within the Rural Residential (RR-2.5) zoning district. The Zoning of the property along with the existing use and proposed modifications is consistent with the General Plan.

- 2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

The site is provided with water by the City of Vallejo and sewer service by an on-site sewage disposal system. Access is proposed via an access easement off Green Valley Road.

- 3. The subject use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

As conditioned, the proposed Residential Accessory Structure use will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents..

- 4. The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.**

**BE IT THEREFORE RESOLVED**, that the Planning Commission has approved Minor Use permit MU-21-08 subject to the following recommended conditions of approval:

### **CONDITIONS OF APPROVAL**

#### **ADMINISTRATIVE CONDITIONS**

1. The proposed use shall be established in accord with the project description and site plan for Use Permit MU-21-08, submitted July 15, 2021, and as described and conditioned herein. In the event of any conflict between the application materials and the project description or conditions set forth in this permit, the latter shall control.
2. Permit Activation:
  - a. The permit is issued for an indefinite period, subject to renewal every 5 years per Section 28.106(N) of the Solano County Code. The applicant shall file an application for renewal 60 days prior to each five-year anniversary date (beginning November 1, 2026).
  - b. The use permit shall expire and thereafter be null and void, without further action by the County, if it is not exercised by close of business on November 1, 2022. The use permit shall not be considered exercised until all building, public works and environmental health permits required for the uses authorized by this permit have been issued.
3. Pursuant to Section 28.106(I) of the County Code, no additional uses shall be established beyond those identified on the final development plan without prior approval of a revision or amendment to the use permit. No new or expanded buildings shall be constructed without prior approval of a minor revision to this use permit or approval of a new use permit.
4. By acceptance of this permit, the permittee and its successors in interest agree that the County of Solano, its officers and employees shall not be responsible for injuries to property or person arising from the issuance or exercise of this permit. The permittee shall defend, indemnify and hold harmless the County of Solano, its officers and employees from all claims, liabilities, losses, or legal actions arising from any such injuries. The permittee shall reimburse the County for all legal costs and attorney's fees related to litigation based on the issuance of and/or interpretation of this permit. This agreement is a covenant that runs with the land and shall be binding on all successors in interest of the permittee.
5. Failure to comply with any of the conditions of approval or limitation set forth in this permit shall be cause for the revocation of the use permit and cessation of the permitted uses at the Permittee's expense.

#### **PLANNING DIVISION CONDITIONS**

6. This facility shall be used for private events only. The use of this facility for public events shall cause the Minor Use Permit to be scheduled for revocation.
7. No parking for the permitted use shall be allowed within any road right-of-way.

- 8. The following performance standards need to be notated on the final site plan per section 28.70.10.B.1 of the Solano County Zoning Code:
  - a. The land use identified on this plan will not have offensive noise, dust, glare, vibration, or odor.
  - b. All uses of land and structures shall be conducted in a manner, and provide adequate controls and operational management to prevent:
    - i. Dust, offensive odors, or vibrations detectable beyond any property line;
    - ii. Noise that exceeds 65dBA LDN at any property line; and
    - iii. Glint or glare detectable beyond any property line or by overflying aircraft.

**BUILDING AND SAFETY DIVISION CONDITIONS**

- 9. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2019 California Building Code.

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on October 21, 2021 by the following vote:

AYES:           Commissioners \_\_\_\_\_

NOES:           Commissioners \_\_\_\_\_

EXCUSED:       Commissioners \_\_\_\_\_

\_\_\_\_\_  
 Paula Bauer, Chairperson  
 Solano County Planning Commission

By: \_\_\_\_\_  
 Terry Schmidtbauer, Secretary



**Figure 3.2 – Pavilion 3D Renderings**



**North-East View**



**North-West View**



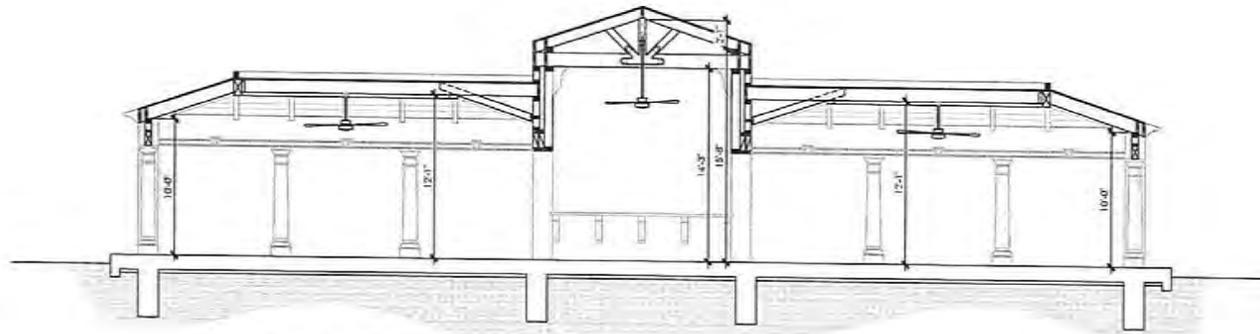
**South-East View**



**South-West View**

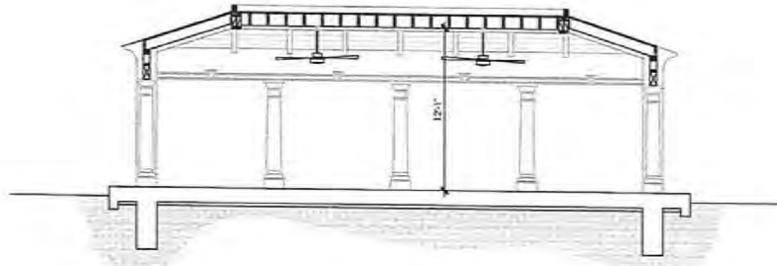






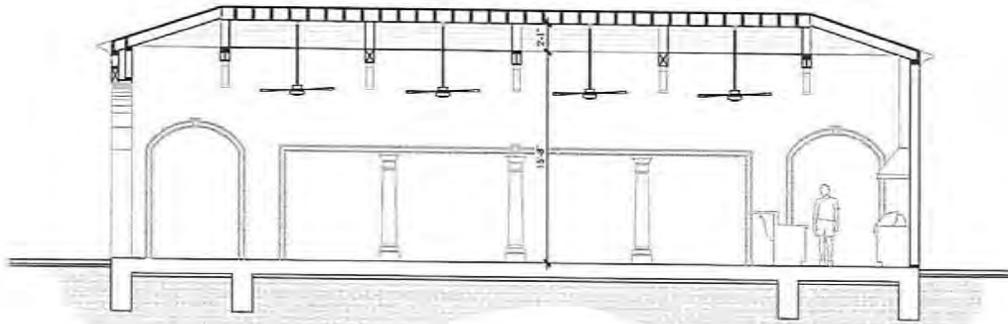
**SECTION A**

SCALE: 1/4" = 1'-0"



**SECTION B**

SCALE: 1/4" = 1'-0"



**SECTION C**

SCALE: 1/4" = 1'-0"

**TROTTER**



TROTTER BUILDING DESIGNS, INC.  
10711 S. GARDNER ROAD, SUITE A  
FAIRFIELD, CALIFORNIA, 94503  
P. (916) 841-2727 F. (916) 841-2722  
www.trotterbuildingdesigns.com

**PROJECT NAME**  
SMITH OPEN AIR PAVILION

**PROJECT ADDRESS**  
4211 GREEN VALLEY ROAD  
FAIRFIELD, CA

**ENGINEER**  
NAMVAR ASSOCIATES  
231 VISTA DEL MAR, SUITE D  
REDONDO BEACH, CA 90277  
P. (310) 146-7788  
F. (310) 840-7733

DATE	DESCRIPTION
2/18/2021	PLAN CHECK #1
2/19/2021	PLAN CHECK #2

PROJECT NO. 14-03  
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**SHEET TITLE**

SECTIONS

**A-3.0**

Attachment D

Neighborhood Aerial

